

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte

DENNIS L. MATTHIES

Appeal No. 2005-1037
Application No. 09/904,269

ON BRIEF

Before HAIRSTON, CRAWFORD, and BARRY, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20. These are the only claims in the application.

The claimed invention is a method for manufacturing displays for electronic devices (specification page 1). Displays for electronic devices are made from a plurality of layers. When the layers or sheets are non-flat or warped, making good electrical connections between them is difficult and contacts can fail (specification page 2). The present invention corrects this problem by using vacuum chucks to temporarily flatten the individual sheets while they are processed (specification page 4). Other sheets are secured to the first sheet while it is held in a flattened configuration.



THE PRIOR ART

The prior art references of record relied upon by the examiner in rejecting the claims are:

Baker et al. (Baker)	US 6,458,005 B1	Oct. 1, 2002 (filed Jul. 19, 1999)
Wu et al. (Wu)	US 5,756,147	May 26, 1998

THE REJECTIONS

Claims 1 through 20 stand rejected under 35 U.S.C. § 103 as being obvious over Baker in view of Wu.

Reference is made to the examiner's answer (mailed 3/10/04) for an explanation of the examiner's rejection and to appellant's brief (filed 1/26/04) and reply brief (filed 3/22/04) for the appellant's arguments thereagainst.

OPINION

In reaching our decision, we have carefully reviewed the appellant's specification and claims, the applied references and, the arguments of the appellant and the examiner. As a result of this review we have reached the conclusion that claim 1 would have been obvious in view of Baker to a person of ordinary skill in the art at the time of the invention. We affirm the rejection of all claims on appeal. Our reasons follow.

Claim 1 recites a method comprising: temporarily flattening a sheet; processing said sheet; and securing said sheet to a second sheet while continuing to hold said sheet in a flattened configuration.

Baker teaches a method whereby an LCD tile and cover panel are combined. Col. 2, line 60-col. 3, line 19. The two are held in place by vacuum chucks. Col. 2, line 60-col. 3, line 19. In the examiner's view, it would have been obvious to flatten the sheets or hold them in a flat configuration during manufacturing to eliminate wrinkles and defects within the apparatus. Examiner's answer, pages 5-6. Also, the examiner argues that when the sheets in Baker are subjected to a vacuum, they are temporarily flattened to some degree. Examiner's answer, page 6.

In the appellant's view, sheets are usually processed unflattened and it would not be obvious to use a vacuum chuck to flatten the sheets. Reply brief, page 2. Further, the appellant argues that if a sheet were sufficiently stiff, a vacuum chuck would not flatten it. Reply brief, page 2. So, Baker's invention does not flatten the sheet.

We hold that Baker teaches temporarily flattening a sheet. We note that while Baker does not explicitly teach flattening a sheet for reducing warpage, it does teach using a vacuum chuck to secure a sheet. Although the sheet may be stiff or thick, under a vacuum chuck, in our view, it will be flattened to at least some degree. The appellant has not specified the degree of flatness in claim 1.

In addition, the structure of appellant's and Baker's invention is essentially the same. In both instances, a vacuum chuck holds a sheet in place during manufacture. The only alleged difference is in the functional language of the appellant's claims. In addition to placing the sheet on a vacuum chuck, appellant claims the vacuum chuck

flattens the sheet. The appellant has not shown that Baker's invention does not actually possess the characteristic of flattening the sheet.¹

The second element of claim 1 recites, "processing said sheet." The examiner recognizes that Baker does not disclose processing said sheet. Examiner's answer, page 4. However, in the examiner's view, Wu teaches processing the sheet. Examiner's answer, page 5. The examiner concludes that the combination of Baker and Wu would have been obvious because it would result in minimizing warp and disturbances in the layers of the display. Examiner's answer, page 5.

The appellant argues that Baker does not teach processing a sheet in a flattened configuration. Appeal brief, page 5. Appellant also argues that Baker teaches away from processing the sheet in a flattened configuration. Appeal brief, page 5. Appellant argues:

Baker simply skips the intermediate steps of processing the sheet in a flattened configuration and immediately positions the flattened sheet on the second sheet and secures them together. Appeal brief, page 5.

In appellant's specification, one embodiment of "processing said sheet" is applying light emitting material, row, and column electrodes to the flattened sheet. Specification, page 8. However, the specification asserts this is only one embodiment and does not define the term "processing."

¹ Since the only alleged distinction between applicants' claims and reference is recited in functional language, it is incumbent upon applicants, when challenged, to show that device disclosed by reference does not actually possess such characteristics. In re Ludtke, 441 F.2d 660, 169 U.S.P.Q. 563 (CCPA 1971).

Claims cannot be read in a vacuum, but must be read in light of the specification to thereby interpret limitations explicitly recited in the claim. In re Prater, 415 F.2d 1393, 162 U.S.P.Q. 541 (CCPA 1969). However, this is a different thing from reading limitations of the specification into a claim, to thereby narrow the scope of a claim by implicitly adding disclosed limitations having no express basis in the claim. Id.

In this case, limiting the scope of the term “processing” to the embodiment described in the specification, would be reading limitations of the specification into the claim.

The claim language “processing said sheet” is broad enough to define the step of applying adhesive on one sheet. Baker, col. 3, lines 8-9.

After the adhesive is applied, the other sheet is lowered and the two sheets are combined. Baker, col. 3, lines 9-19. In our view, applying an adhesive to a sheet on a vacuum chuck and then combining the sheet with a second sheet on a vacuum chuck is “temporarily flattening the sheet” and “processing said sheet.”

The appellant has not argued the third element of claim 1 separately. Accordingly, we hold that Baker teaches each and every element of claim 1.

Although the rejection is based on Baker in view of Wu, it is permissible to affirm the rejection in light of Baker alone. In re Bush, 296 F.2d 491, 131 U.S.P.Q. 263 (CCPA 1961).

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In view of the foregoing, we sustain the rejection of the examiner as to claim 1.


We will also sustain the rejection as it is directed to claims 2 to 20 as these claims stand or fall with claim 1 (brief at page 4).

The rejection of claims 1-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge


MURRIEL E. CRAWFORD
Administrative Patent Judge


LANCE LEONARD BARRY
Administrative Patent Judge

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